

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

---

**TWENTY-SECOND LEGISLATIVE DAY  
MONDAY, JANUARY 30, 2012**

Senate Chamber

President Little called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Lodge and Winder, absent and formally excused by the Chair; and Senators Cameron and Fulcher, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Renae Feist, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 27, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

### Reading of Communications

January 27, 2012

The Honorable Brad Little  
Lieutenant Governor  
Office of the Governor  
Statehouse Mail

Dear Lieutenant Governor Little:

This is to advise you that the Idaho Fish and Game Commission, at its meeting in Lewiston on May 19, 2011 appointed Alex Irby to serve as its representative to the Idaho Outfitters and Guides Licensing Board (IOGLB), subject to Senate approval. The term of appointment is May 31, 2011 to May 31, 2014.

Alex is a resource manager, sportsman and outdoor enthusiast from the Clearwater Region. He is a Lifetime member of the Rocky Mountain Elk Foundation, National Rifle Association, Clearwater Basin Advisory Committee, past president of the Orofino Chamber and was a supervisor for the Clearwater Soil and Conservation District for 11 years.

Alex is from Orofino and was the Commissioner representing the Clearwater Region. He was appointed June 30, 1999 and served two terms on the Commission ending June 30, 2007.

Alex's experience on the Idaho Fish and Game Commission will serve him well in this assignment. I am confident that Alex's service on the Board will promote an excellent relationship and communications among IOGLB, the Idaho Fish and Game Commission and the Department of Fish and Game.

Sincerely,  
/s/ Tony McDermott  
Chairman, Idaho Fish and Game  
Commission

/s/ Virgil Moore  
Secretary, Idaho Fish and Game  
Commission

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Idaho Fish and Game Commission appointment was referred to the Resources and Environment Committee.

Senator Fulcher was recorded present at this order of business.

The Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### **SJR 104**

#### **BY RESOURCES AND ENVIRONMENT COMMITTEE A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT THE RIGHTS TO HUNT, FISH AND TRAP ARE A VALUED PART OF THE HERITAGE OF THE STATE OF IDAHO AND SHALL FOREVER BE PRESERVED FOR THE PEOPLE THROUGH THE LAWS, RULES AND PROCLAMATIONS OF THE STATE AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY, SHALL NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE AND USE WATER, AND SHALL NOT LEAD TO A DIMINUTION OF OTHER PRIVATE RIGHTS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**SJR 104** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 30, 2012

The JUDICIARY AND RULES Committee reports that [S 1267](#), [S 1268](#), [S 1269](#), [S 1270](#), and [SCR 112](#) have been correctly printed.

DARRINGTON, Chairman

[S 1267](#) was referred to the Finance Committee.

[S 1268](#) was referred to the Commerce and Human Resources Committee.

[S 1269](#) was referred to the Education Committee.

January 26, 2012

[S 1270](#) was referred to the State Affairs Committee.

On request by Senator Broadsword, granted by unanimous consent, [SCR 112](#) was referred to the Health and Welfare Committee.

January 30, 2012

The FINANCE Committee reports out [H 395](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 395](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 26, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brad Corkill of Cataldo, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing May 12, 2011, and expiring May 12, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 26, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wanda Chillingworth Quinn of Coeur d'Alene, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing July 12, 2011, and expiring May 12, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Esther Van Wart of Chubbuck, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing May 12, 2011, and expiring May 12, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

January 27, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael D. Gibson of Nampa, Idaho, was appointed as a member of the Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2011, and expiring July 1, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 27, 2012

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Allan R. Schneider of Emmett, Idaho, was appointed as a member of the Commission for the Blind & Visually Impaired to serve a term commencing September 22, 2011, and expiring July 1, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

On request by Senator Broadsword, granted by unanimous consent, [SCR 111](#) was referred to the Resources and Environment Committee.

Senator Cameron was recorded present at this order of business.

The President announced that the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Gerald "Jerry" Trebesch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, the Gubernatorial appointment of Gerald "Jerry" Trebesch as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Agricultural Affairs Committee report relative to the Gubernatorial appointment of H. Norman Wright was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Cameron, the Gubernatorial appointment of H. Norman Wright as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of John Michael Brassey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of John Michael Brassey as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Peter J. Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Tippets, seconded by Senator Bilyeu, the Gubernatorial appointment of Peter J. Black as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1271**

#### **BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT**

RELATING TO THE DEPARTMENT OF LANDS; AMENDING CHAPTER 3, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-302, IDAHO CODE, TO DEFINE A TERM, TO REQUIRE APPLICANTS FOR STATE GRAZING LEASES TO SUBMIT GRAZING MANAGEMENT PROPOSALS, TO PROVIDE REQUIREMENTS FOR SUCH PROPOSALS AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

[S 1271](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

[H 356](#), [H 360](#), [H 361](#), and [H 362](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[S 1225](#), [S 1226](#), [S 1227](#), and [S 1228](#), by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

[S 1257](#) and [S 1258](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

[S 1237](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, the typographical errors on the Statement of Purpose for [S 1237](#) would be corrected before transmittal to the House.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS—None.

Absent and excused—Lodge, Winder. Total - 2.

Total - 35.

Whereupon the President declared [S 1237](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 11 a.m., Tuesday, January 31, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary